SUPREME COURT OF THE UNITED STATES

No. 21.—October Term, 1968.

John F. Tinker and Mary Beth Tinker, Minors, etc., et al., Petitioners, *v.* Des Moines Independent Community School District et al.	On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

[February 24, 1969.]

Mr. Justice Harlan, dissenting.

I certainly agree that state public school authorities in the discharge of their responsibilities are not wholly exempt from the requirements of the Fourteenth Amendment respecting the freedoms of expression and association. At the same time I am reluctant to believe that there is any disagreement between the majority and myself on the proposition that school officials should be accorded the widest authority in maintaining discipline and good order in their institutions. To translate that proposition into a workable constitutional rule, I would, in cases like this, cast upon those complaining the burden of showing that a particular school measure was motivated by other than legitimate school concerns—for example, a desire to prohibit the expression of an unpopular point of view, while permitting expression of the dominant opinion.

Finding nothing in this record which impugns the good faith of respondents in promulgating the arm band regulation, I would affirm the judgment below.